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FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

MAR - 4 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of ) MM DOCKET NO. 92-247  
 )  
Amendment of Section 73.202(b) ) RM-8098  
Table of Allotments )  
Christiansted, Virgin Islands )  
  
To: Chief, Allocations Branch :

REPLY COMMENTS AND OPPOSITION  
TO PETITIONS OF AURIO MATOS  
JOINT COMMENTERS AND JOHN GALANSES

I, Clayton Knight, heraby oppose the Comments and Counter-proposal of El Mundo Broadcasting Corporation, licensee of WKAQ-FM, San Juan, Puerto Rico ("WKAQ"); Esteracotempo, Inc., licensee of WIOC-FM, Ponce, Puerto Rico ("WIOC"); Radio Redentor, Inc., licensee of WERR-FM, Utuado, Puerto Rico ("WERR"); and Aurio Matos, licensee of WNNV-FM, Aguada ("WNNV"), collectively referred to as "Matos" or the "Joint Commenters," and John T. Galanses ("Galanses") in the above-captioned rulemaking.

Both parties oppose the addition of Channel 285A to Christiansted, which I proposed as a new service. The Matos proposal seeks to use Channel 285 as part of the scheme to relocate Channel 281B (occupied by WERR) from Utuado, Puerto Rico to Gurabo, Puerto Rico. It should be denied for several reasons. Among these reasons is Matos' attempt to mislead the Commission by implying that Gurabo will receive a first service from WERR. Gurabo is part of the Caguas urbanized area. A proposal for Gurabo is treated as one for Caguas. Caguas already has service from five other stations. Therefore, Matos' proposal has no merit. I

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support the comments filed on January 19, 1993 by Carlos J. Colon Ventura, licensee of WSAN-FM, Vieques, Puerto Rico and by Jose Arzuaga of WREI-FM.

### Issues

Not only does Matos' scheme deprive Utuado of its only FM station, but fails to propose any new channel to serve Utuado in place of Channel 281B. With the proposed reallocation of WERR to Gurabo, both Utuado and the nearby community of Adjuntas will lose their only full-time 50 kW signal. This extremely mountainous area would be left with nothing more than a poor 250 watt night-time signal. A signal of 250 watts is not adequate to serve this isolated community. Thus Utuado and Adjuntas lose their only full-time, full-power service, with no new FM channel to substitute loss of service is proposed by Matos.

The upgrade of WNNV, Aguada to Channel 287B1 is also illusory. Matos has already benefitted from changes in many of the Commission's rules to make WNNV more valuable. He moved his studios from Aguada, a small market, to the city of Mayaguez, a much larger market. He runs 3 kW at 1,800 feet HAAT, giving him the benefit of Class B-1 status already.

Basically, Matos wants WERR, his direct format competitor, to move away from a location where it can place a signal into the Mayaguez market, so that Matos can monopolize religious broadcasting there. Matos' proposed power increase to 50 kW is also not meritorious because over fifty percent of the proposed increased signal will be lost over water. See Matos Engineering exhibit. By WERR moving to Caguas (Gurabo) and San Juan, WNNV will be able

to dominate the religious format in the Mayaguez metro. Matos proposes that El Mundo Broadcasting Corporation, licensee of WKAQ, San Juan, change frequency to Channel 285B from Channel 284B. El Mundo had many previous opportunities to move to the site described in the Matos proposal, yet failed to do so. El Mundo even had a construction permit for 12 kW at La Santa site. Yet it failed to act upon it. There is no reason for launching a complicated game of FM musical chairs in order to give it what it never used previously. Furthermore, WKAQ has other excellent site alternatives such as Cubuy and El Yunque Peak. It appears that WKAQ has acceded to the Matos proposal in order to penetrate the Ponce market. However, that desire does not outweigh, under current FCC policy, the value of a new service in Christiansted.

WIOC, owned by Esterotempo Broadcasting, is basically a simulcast operation, which at present covers the city of Ponce well. Unfortunately, if WIOC were to operate from the site proposed for it in the Matos counterproposal, WIOC will suffer shadowing in its city of license. No proposal that would render WIOC incapable of placing a 70 dBu signal over Ponce can be classed as meritorious.

In sum, neither WNNV, WKAQ, WIOC or WERR would deliver better service than what it already has. Thus, the public interest benefits of the Matos conundrum, which requires the reshuffling of nine FM frequencies, are illusory.

Galanses' comments evidently stem from his desire to bar new competition from entering the market. He already owns two FM stations which simulcast, but has not proven that the proposed

allotment of Channel 285 to Christiansted will prejudice him economically. Galanes has built several stations (WJJC, WAUI, WUVN) and has proposed several new FM frequencies for the market in last ten years. But he seems not to want new owners to have the opportunities that he has had.

Conclusion

None of the Joint Commenters propose a replacement service to Utuado, thus leaving the town of Utuado effectively unserved. A minimal AM operation with only 250 watts nighttime is not adequate. To move the many frequencies affected by the Matos counterproposal would be very expensive. Neither Matos nor any of the other Joint Commenters suggested that they are willing to pay others the expense of retuning transmitters, replacing crystals, creating new promotional materials or paying for new FM antennas. Therefore, their petition should be denied. At the same time, the FCC should grant Mr. Knight's request that Channel 285A be assigned to Christiansted.

Respectfully submitted,

CLAYTON KNIGHT

  
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Date: 3-2-93

CERTIFICATE OF SERVICE

I, Clayton Knight, do hereby certify that true copies of the foregoing "Reply Comments and Opposition to Petitions of Aurio Matos Joint Commenters and John Galanses" were mailed this 3rd day of March, 1993, as shown by U.S. first-class mail, postage-prepaid, to the following:

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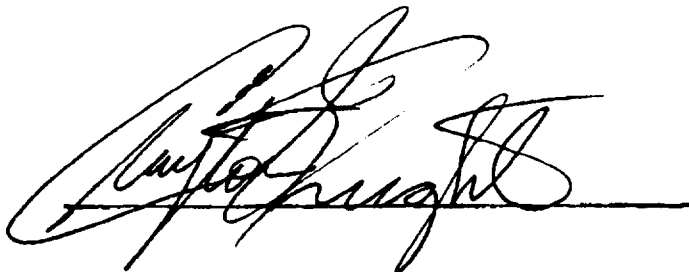
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A handwritten signature in black ink, appearing to read "Clayton Knight", written over a horizontal line.